

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Local Exchange Carriers')
Rates, Terms, and Conditions)
for Expanded Interconnection)
Through Physical Collocation)
for Special Access and Switched Transport)

CC Docket No. 93-162

PACIFIC BELL'S EMERGENCY PETITION FOR WAIVER FOR EXTENSION OF TIME

Pacific Bell hereby petitions for a temporary waiver seeking a 45 day extension of time, until September 11, 1997, to meet the filing requirements of the *Second Report and Order* ("Order") in the above-captioned proceeding. Currently, the following Pacific Bell filings are required by July 28, 1997 (45 days from the June 13, 1997 release of the Order): 1) tariff revisions reflecting the Commission's findings on terms and conditions, 2) tariff revisions establishing new rates, with full explanations of compliance with the Order and new tariff review plan ("TRP") charts, and 3) a refund plan.¹ In this petition, we show good cause for a waiver based on the existence of circumstances that show that an extension of time for Pacific Bell would be in the public interest.²

¹ Order at paras. 389-396 and 435-7.

² See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

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An extension of time will not harm collocators. Under the *Order*, Pacific Bell is required to provide refunds, with simple interest, to customers subscribing to physical collocation between December 15, 1994 and the day before Pacific Bell's new physical collocation rates take effect.³ Therefore, delaying the filing and subsequent effective date of the new tariffs will increase Pacific Bell's refund obligation and not harm collocators.

An extension of time is essential because much of the historical data needed for compliance with the *Order* was inadvertently deleted from computer files and has not been otherwise centrally available. As discussed below and in Exhibit A, we need an extension of time because of the need to continue gathering and re-creating data and because of the need to then use that data to go through the many steps required to implement the *Order*. We are continuing in good faith to work on re-creating data and calculating revisions to existing data in order to have information on as many central offices as reasonably possible for filing on July 28, 1997.

Even if the necessary data had been centrally available within Pacific Bell, meeting the requirements of the *Order* would represent a very substantial burden for Pacific Bell. Pacific Bell faces the full panoply of requirements in the 181 page *Order* because Pacific Bell continued offering physical collocation after the D.C. Circuit vacated the requirement to do so. Moreover, physical collocation has been unusually popular in Pacific Bell's California territory. Pacific Bell has tariffed physical collocation in 126 central offices, has received 247 orders for physical collocation, and has

³ *Order* at para. 392.

prepared space for 230 collocation orders, with as many as 13 physical collocation spaces in one central office.⁴ As a result of this heavy collocation activity, determining the extensive tariff changes and calculating the refunds, going back nearly three years, needed to comply with the *Order* is a very substantial undertaking for Pacific Bell.

This undertaking is made more difficult because many of the managers who must work on implementing the terms and conditions of the *Order* are also working on the implementation of other recently released orders in Commission proceedings, including Universal Service and Access Reform. This is particularly problematic because most of these managers are new to the *Expanded Interconnection Proceedings*. During the four years of this tariff investigation, the managers who have experience and knowledge concerning the creation of the physical collocation tariffs have either left Pacific Bell or moved to other positions within the Company. In the course of this personnel movement, the centrally-located raw data used for the calculation of physical collocation costs and rates for engineering and real estate requirements in 47 of Pacific Bell's central offices was lost. Field personnel at the central offices have been searching for, gathering, and re-creating engineering data, and real estate managers have been searching records in order to recreate real estate data.

The substantial time needed to gather and re-create data and to then use the data to make the required adjustments to comply with the *Order* are set forth in

⁴ The substantial majority of these orders include physical collocation under Pacific Bell's Federal tariffs.

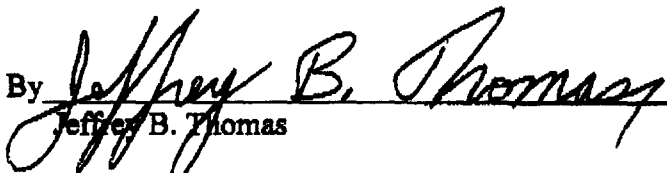
Exhibit A hereto. Pacific Bell must have additional time in order to make the tariff revisions and calculate the refunds required by the *Order*.

In summary, even under normal circumstances timely compliance with the *Order* would have been extremely difficult. The abnormal circumstances that Pacific Bell faces prevent timely compliance. An extension of time will not harm collocators because they will receive the appropriate refunds. Under these circumstances, a 45 day extension of time is necessary and reasonable.

For all of the above reasons, good cause exists for a temporary waiver of the filing requirements of the *Order*. Accordingly, Pacific Bell respectfully requests that the Commission grant this petition for waiver to allow Pacific Bell until September 11, 1997 to meet the requirements of the *Order*.

Respectfully submitted,

PACIFIC BELL

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Date: July 17, 1997

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EXHIBIT A

SEQUENTIAL STEPS OF WORK **REQUIRING 45-DAY EXTENSION OF TIME BEYOND JULY 28, 1997**

1. **Retrieve And Re-Create Raw Data** (estimated 2 week extension of time needed to complete)

Real estate managers are continuing to search databases in order to retrieve lost data needed to calculate the non-recurring and recurring costs. The data needed is 1) current land value, 2) book land value, 3) book building value, and 4) gross square footage. In those cases where the data cannot be found in the databases, the real estate managers must obtain the square footage data from engineers' plans, obtain the historical book land value from accounting reports, and obtain current land values from brokers.

2. **Validate Data** (estimated 2 additional weeks to complete)

The re-discovered and re-created data from step 1 must be put into our tariff cost model in order to cross-check the data against our tariffed rates. Where necessary, data will need to be corrected.

3. **Develop TRPs For Additional Offices** (estimated 1 1/2 additional weeks to complete)

Using the validated retrieved and re-created raw data from step 2, TRPs will have to be developed for the central offices. This process includes the need to generate costs for the FCC's original 14 physical collocation functions per central office (see *Order*, para. 167).

4. Develop Disallowances, New Rates, and Refunds (estimated 1 additional week to complete)

Using the TRP data from step 3, we will need to identify disallowances by function (construction, security installation, DC Power, and floor space), calculate new tariff rates by rate element and office, and calculate refunds by collocator. As part of this process, we will need to develop and use a rate adjustment model.

5. Completion of Filings (estimated three additional days to complete)

Regulatory managers will need to finalize the filings, including word processing of tariff pages, verification of rates, completion of D&J, and transporting and filing the documents. Much of these managers' work can be accomplished simultaneously with the above steps, but a significant amount of their work must wait until the other steps are completed.